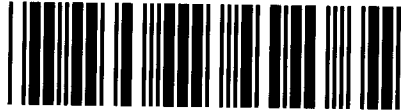


Control Number: 45207



Item Number: 3

Addendum StartPage: 0

DOCKET NO. 45207

COMPLAINT OF J. HINKEN  
AGAINST BASTROP WEST WATER  
AND PAUL KLAUS

§  
§  
§

PUBLIC UTILITY COMMISSION  
OF TEXAS

RECEIVED  
2015 OCT 21 AM 11:15  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**BASTROP WEST WATER AND PAUL KLAUS'  
RESPONSE TO ORDER NO. 1**

COMES NOW, Bastrop West Water and Paul Klaus, hereinafter referred to as "BWW", and files this Response to Order No. 1. BWW received Order No. 1 on October 8, 2015. In support thereof, BWW responds as follows:

**I.**

**INTRODUCTION AND BACKGROUND**

BWW is a water supply company operating pursuant to the Texas Water Code. The Public Utility Commission (PUC) has jurisdiction over investor/private water utilities. Ms. Hinken alleges that BWW has charged excess fees for a meter installation and repairs for damages to BWW's service line caused by a contractor/handyman hired by her. BWW's water rate/tariff is attached as *Exhibit 1*. BWW invoiced Ms. Hinken a total of \$655.00 for ½ of the meter tap fee and repairs for the broken water main. *Exhibit 2*. Ms. Hinken has filed an informal complaint regarding this issue. *Exhibit 3*. BWW responded on April 8, 2015 and provided a complete history of the dispute along with documentation to support its position. *Exhibit 4*. The Customer Protection Division of the PUC determined that BWW acted consistently with Rule 24.87 Billing, subsection (o) in its letter dated April 21, 2015. *Exhibit 5*. It should be noted that Ms. Hinken is now alleging additional various charges which were not alleged in her informal complaint. Ms. Hinken also failed to send BWW a copy of her complaint pursuant to Rule 22.242(f). Ms. Hinken references

multiple documents and emails that were not uploaded on the PUC interchange. As such, BWW is unable to respond to documents that it is unaware of.

## **II. ALLEGATIONS AND RESPONSES**

BWW responds as follows to the individual allegations listed in Ms. Hinken's formal complaint:

### **I. Utilities may not refuse service for the following reasons:**

- a. Paul and Karen Klaus purchased BWW from the previous owners, Clyde and Karen Clardy, in January, 2012. We have no knowledge of any previous attempts of "extorting money" from Ms. Hinken in 2007. Any previous disputes regarding charges is irrelevant to the current dispute between Ms. Hinken and the current owners of BWW.
- b. BWW has never attempted to charge the new owners for a balance owed on the account. BWW advised Ms. Harris on August 11, 2015 that Ms. Hinken owed a previous balance of \$655.00 and the new owners would be charged a reconnect fee of \$50.00. *Exhibit 6.*
- c. BWW has repeatedly informed Ms. Hinken and Mr. Jeff Hill that the resolution to this whole dispute would be to install a new meter and for each party to pay half, \$225.00. The total charge for a new meter is \$450.00. *Exhibit 1.* Mr. Hill paid \$225.00 for his ½ of the meter charge that was agreed upon. Again, BWW has never attempted to charge the new owners anything other than the \$50.00 reconnect fee.

### **II. Proper Disconnection of Water Service**

- a. BWW did not receive a request from Ms. Hinken to disconnect the service on July 21, 2014. We did receive a request to transfer the name on the account to Mr. Hill in April 2014. BWW complied with that request and changed the name on the account. It was Mr. Hill's position that the water service transferred with the sale of the home and property. It is BWW's understanding that this agreement is contained within Mr. Hill's seller agreement. BWW disputes that the property is not within its CCN area.
- b. BWW has no record of receiving 2-3 emails in February 2013. We do not have a record of Ms. Hinken advising that she did not want service. We do have an email dated February 2, 2015 @ 8:02 pm, which states that she is going to hold off on

the water meter, which had already been installed earlier in the day. The invoice was emailed on February 3, 2015 and payment was due within 15 days. The email dated March 13, 2015 states that she will be needing it for the month of March, 2015. Since we had not received the outstanding balance owed, the meter was removed. A notice was left in the meter box advising that the meter had been removed by BWW.

- c. Ms. Hinken's email of March 13, 2015 states that "I will not pay your last bill." She had no intention of paying the bill and still has not paid the bill to this day. Therefore, the meter was removed. Ms. Hinken contradicts herself when she agreed to pay for half of the meter, then changed her mind and did not want the meter, then wanted service for March, but did not pay for the meter installation, then complains that proper notice was not given and BWW had no valid reason for disconnecting the service. Clearly, the invoice emailed on February 2, 2015 states the payment is due within 15 days. She refused to make the payment, therefore, BWW did have valid reasons for removing the meter.

### **III. The Alleged Invoice**

An itemized invoice was addressed to Ms. Hinken at the Wilson Street address. This address was the return address on an envelope that she mailed to BWW. The invoice was emailed to Ms. Hinken since the majority of our communications were by email. BWW requested a mailing address when she initially agreed to pay half of the meter fee. She did receive the invoice because she acknowledged receiving it and she has refused to pay it on numerous occasions. BWW is unsure why Ms. Hinken feels the invoice is not "legitimate." There is no legal rule or law on what format is used for an invoice for services.

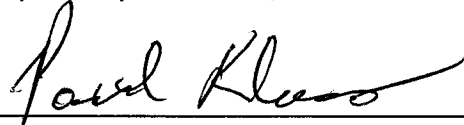
- a. BWW has never lied about having authorization to install a meter. There has been no discussion regarding authorization by "TREC" to install a meter. Ms. Hinken clearly agreed to pay half of the \$450.00 meter charge as indicated in her email dated January 30, 2015. Mr. Hill has no authority to receive payment for services provided by BWW. The payment was to be paid to BWW. Ms. Hinken complains that there was no agreement "signed" however she then states that her "email" negated the agreement.
- b. Ms. Hinken's contractor/handyman broke BWW's main service line. The invoice and numerous emails indicate that an emergency repair was made to the service line on January 29, 2015. The meter installation was done on February 2, 2015. Again, Mr. Hill paid \$225.00 for his half of the \$450.00 meter installation fee. Ms. Hinken acknowledges in her emails that she hired a contractor/handyman. She provided his name, business name, address and phone number. I spoke with Mr. Vaughn on the afternoon of January 29, 2015. He advised that he was hired by Ms. Hinken, he broke the main service line and needed to know how to shut off

the water. The repair of the main service line and the meter installation was two separate and distinct services performed by BWB. Mr. Vaughn's *negligence* caused the break in the line and ultimate emergency repairs. Ms. Hinken contracted with Mr. Vaughn, not BWB. Therefore, she is responsible for the damages caused by his negligence. The invoice is not fabricated in any way. Ms. Hinken was billed for half of the meter installation as agreed, the damages to repair the water main service line, and usage for February. BWB, in a good faith attempt to resolve the dispute at the informal level, removed the usage charge and late fee associated with the usage charge.

**III.  
PRAYER**

WHEREFORE, PREMISES CONSIDERED, BWB respectfully requests that the PUC determine that the allegations in Ms. Hinken's complaint are unfounded, that BWB is entitled to collect payment in the amount of \$655.00 from Ms. Hinken, and for such other relief it may be justly entitled to.


Respectfully submitted,



Paul Klaus, Owner  
Bastrop West Water Company  
231 Mandy Lane  
Red Rock, TX 78662  
(512) 663-1921  
[p.m.klaus@yahoo.com](mailto:p.m.klaus@yahoo.com)

**CERTIFICATE OF SERVICE**

This is to certify that on October 21, 2015, a true and correct copy of the above referenced document has been delivered via email to Ms. J. Hinken at [realOest@hotmail.com](mailto:realOest@hotmail.com).



Paul Klaus, Owner

# **EXHIBIT 1**

**CLYDE E. CLARDY, dba  
Bastrop West Water Company  
379 Highway 95 North  
Bastrop, Texas 78602**

January 10, 2005

Texas Commission on Environmental Quality  
P.O. Box 13087 – MC153  
Austin, Texas 78711-3087

ATTN: Ms. Michelle Abrams, Team Leader  
Utilities & District, Water Supply Division

RE: Water Rate/Tariff Change Application of  
Clyde E. Clardy dba Bastrop West Water Company,  
Bastrop County, Application 34803-G  
CN: 600634745; RN 101188175

Dear Ms. Abrams:

Enclosed please accept the enclosed Water Rate/Tariff Change Application for Bastrop West Water Company.

The recommendations contained in your letter have been made as follows:

1. The Notice of Proposed Rate Change has been provided to our customers on January 14, 2005 containing the following revisions:
  - a. Company name is shown as Clyde E. Clardy dba Bastrop West Water Company;
  - b. The estimated annual revenue increase is disclosed;
  - c. The date of last rate change is shown as October 10, 1986;
  - d. Existing 30,000 gallons is shown as \$52.80 per month;
  - e. Proposed 10,000 gallons is shown as \$43.50 per month.
2. Customer's form of payment accepted is cash (U.S. dollar), check, money order or cashiers check.

Texas Commission on Environmental Quality

Page 2

January 10, 2005

3. Enclosed is a copy of the most recent inspection report for the system and our response indicating action taken to resolve the deficiency listed.

If additional information is needed, please contact me at (512) 303-1718. I appreciate the information provided to our accountant, Mr. J.D. Mican, CPA who assisted in preparing the application. We hope that the revisions will allow you to process the application.

Sincerely,

Clyde E. Clardy, dba  
Bastrop West Water Company



## NOTICE OF PROPOSED RATE CHANGE

Clyde E. Clardy d/b/a/ Bastrop West Water Company

12050

Company Name

CCN Number

has submitted a rate change application to the Texas Commission on Environmental Quality (Commission). The proposed rates listed on the next page will apply to service received after the effective date provided below. If the Commission receives protests to the proposed increase from 10 percent of the ratepayers or from any affected municipality before the 91st day after the proposed effective date, a public hearing will be scheduled to determine if the proposed rates are reasonable. Protests should be mailed to:

**Texas Commission on Environmental Quality  
Water Supply Division  
Utilities & Districts Section, MC 153  
P. O. Box 13087  
Austin, Texas 78711-3087**

Unless protests are received from 10 percent of the ratepayers or the Commission staff requests a hearing, no hearing will be held and rates will be effective as proposed. Please read the following information carefully:

Bastrop County West Oaks

Subdivisions or Systems Affected by Rate Change

<u>379 Highway 95 North</u>	<u>Bastrop</u>	<u>Texas</u>	<u>78602</u>	<u>(512) 303-1718</u>
Company Address	City	State	Zip	Telephone
<u>\$ 26,698.00</u>			<u>30th/31st (end of month)</u>	
Annual Revenue Increase			Date Customer Notice Mailed	
<u>10-10-86</u>			<u>First of Month</u>	
Date of Last Rate Change			Date Meters Typically Read	

EFFECTIVE DATE OF PROPOSED INCREASE: May 1, 2005

### BILLING COMPARISON

Water:	Existing	10,000 gallons:	<u>\$ 24.80 /mo</u>	Existing	30,000 gallons:	<u>\$ 52.80 /mo</u>
	Proposed	10,000 gallons:	<u>\$ 43.50 /mo</u>	Proposed	30,000 gallons:	<u>\$ 106.00/mo</u>
Sewer:	Existing	10,000 gallons:	<u>\$ N/A /mo</u>	Proposed	30,000 gallons:	<u>\$ N/A /mo</u>

The proposed rates will apply to all service rendered after the effective date and will be reflected on the bill you receive approximately 30 to 45 days after the effective date.

In the event that the application is set for hearing, the specific rates requested by the utility may be decreased or increased by order of the Commission. If the Commission orders a lower rate to be set, the utility may be ordered to refund or credit against future bills all sums collected during the pendency of the rate proceeding in excess of the rate finally ordered plus interest. You may inspect a copy of the rate change application at your utility's office or at the Commission's office at Park 35 - Building F, 12015 Park 35 Circle, Suite 3101, Austin, Texas, west side of IH-35, south of Yager Lane. Additional information about the application can be obtained by contacting the Utilities and Districts Section at 512/239-4691. Information about how you can participate in the rate setting process can be obtained by contacting the Public Interest Counsel at 512/239-6363.

## NOTICE OF PROPOSED RATE CHANGE -WATER (Cont.)

Page 2

CURRENT RATESMonthly base rate including 3,000 gallons

Meter Size:

Residential

e" or ¾" \$ 15.00

1" \$ 15.00

1½" \$

2" \$

3" \$

Other: \_\_\_\_\_ \$

Gallage Charge:

\$ 1.40 for each additional 1000 gallons over the minimumPROPOSED RATES

Monthly base rate including \_\_\_\_\_ gallons

Meter Size:

Residential

e" or ¾" \$ 16.50

1" \$ 19.00

1½" \$

2" \$

3" \$

Other: \_\_\_\_\_ \$

Gallage Charge:

\$ \_\_\_\_\_ for each additional 1000 gallons over the minimum

Miscellaneous Fees

Tap fee \$ 450.00

Reconnection fee \$ 55.00

Non-payment  
(Maximum - \$25.00) \$ 25.00

Customer's request \$ 15.00

Transfer fee \$ 15.00

Late charge \$ 5.00

Returned check charge \$ 25.00

Deposit \$ 50.00

Meter test fee \$ 25.00

Miscellaneous Fees

Tap fee \$ 500.00

Reconnection fee \$ 55.00

Non-payment  
(Maximum - \$25.00) \$ 25.00

Customer's request \$ 25.00

Transfer fee \$ 15.00

Late charge (Indicate  
either \$5.00 or 10%) \$ 5.00

Returned check charge \$ 25.00

Deposit \$ 50.00  
(Maximum \$50.00)

Meter test fee \$ 25.00

Regulatory Assessment of 1% is added to base rate and gallage charges

CLYDE CLARDY

EXISTING AND PROPOSED WATER RATES

<b>EXISTING</b>	<b>10,000 GALLONS</b>	<b>30,000 GALLONS</b>
Base Rate including 3,000 gallons	15.00	15.00
7,000 @ 1.40/1,000	9.80	
27,000 @ 1.40/1,000		37.80
	24.80	52.80

<b>PROPOSED</b>	<b>10,000 GALLONS</b>	<b>30,000 GALLONS</b>
Base Rate	16.50	16.50
10,000 @ 2.70/1,000	27.00	27.00
10,000 @ 3.00/1,000		30.00
10,000 @ 3.25/1,000		32.50
	43.50	106.00

# **EXHIBIT 2**

**Invoice**

Tuesday, February 3, 2015 8:39 PM

**From:** "paul klaus" <p\_m\_klaus@yahoo.com>**To:** "TPE prop" <real0est@hotmail.com>

1 Files 14KB Download All

 14 KB  
✓

Save

Ms. Hinken,

As requested, I completed the meter separation on the evening of February 2, 2015. Per the agreement, your cost is \$225.00 payable to Bastrop West Water.

Also, you are responsible for repair costs totaling \$430.00 for the water main break caused by your contractor on January 29, 2015.

Attached you will find an invoice for the charges totaling \$655.00. This invoice is due and payable within 15 days.

Thank you,

Paul Klaus

**BASTROP WEST WATER COMPANY**

231 Mandy Lane  
Red Rock, TX 78662  
(512) 663-1921 - Paul  
(512) 629-5717 - Karen

**INVOICE FOR SERVICES**

TO: Jade Hinken  
1006 Wilson Street  
Bastrop, TX 78602

Water main repairs caused by contractor on January 29, 2015:

Parts:	\$ 50.00
Labor:	\$275.00
Water Loss:	<u>\$105.00</u>
Total:	\$430.00

Separation and installation of new meter service per agreement on February 2, 2015:

\$225.00

**TOTAL: \$655.00**

This invoice is due and payable within 15 days.

# **EXHIBIT 3**

CP2015030451\_1503006137

From: Saldana, Richard  
Sent: 03/11/2015 11:34 AM  
To: puccomplaints@puc.texas.gov  
Subject: [Complaint No:CP2015030451] - J Hinken

Attachments:

Richard Saldaña  
Intake Center Coordinator  
Public Utility Commission of Texas  
(512) 936-7154  
richard.saldana@puc.state.tx.us<mailto:richard.saldana@puc.state.tx.us>

From: T PE [mailto:real0est@hotmail.com]  
Sent: Thursday, March 05, 2015 5:44 PM  
To: Customer Service  
Subject: RE: Bastrop West Water complaint - 2nd time  
Importance: High

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March 5, 2015  
10, 2015)

(Originally sent February

TQEC/PUC  
1701 N Congress Ave, 7th floor  
PO Box 13326  
Austin, TX 78711-3326

Re: Complaint against Bastrop West Water

Hello,

Last year, I went through the subdivision process prior to a sale, which was required by the buyer's lender. Bastrop County required the house have its own water service. TCEQ was to determine if the old meter, (& thus the new meter) which had been serviced by BWW since 1983, was in Aqua Water's service area, as per the TQEC maps.

This was an issue for 3 months, so the buyer became my renter & paid for the BWW service in his name. It was ultimately decided between the county & TCEQ that the buyer was required to get service from Aqua Water or a well. He opted for a well, but it was my understanding that he & BWW would be attempting to get an amended CNN after the closing in July.

In November, I discovered that BWW was continuing to provide service to the buyer off my meter. BWW had been ignoring my phone calls, but finally on 12/16/14, Paul Klaus told me that it



was between me & the buyer!! He had been allowing the buyer to squat on my meter for about 5 months. The problem came when the buyer denied me access to my own water meter.

I emailed the buyer & BWW on 1/18/15 & when I didn't get a response, sent it certified letter to Paul on 1/22/15, requesting any documentation they had regarding their right to my service.

The buyer had been trespassing on my land 2-3 times to threaten my handyman, who had been trying to replace the second line from the meter to my property. He wound up quitting in the middle of the job. But apparently, Paul Klaus, who had yet to return my calls, emails or letters, told him that BWW could place a second meter on the buyer's property. Still not receiving any response, I emailed them both the evening of 1/30/15, mailed BWW & sent it certified to the Buyer.

On 1/31, the buyer finally emailed me that he would agree to half. The next day, I sent them both an email that I would pay the buyer \$225 towards the water service of his choice, but only after he signed an agreement waiving his claim on my meter. To date, he has neither contacted me nor signed it.

On 2/2, I emailed both of them that I wasn't sure I needed water service. I also decided that the man possibly making an offer (on that land, for sale) would be more assertive in his rights than I have been.

The following day, 2/3, I got an email from Paul Klaus, demanding \$655. Ignoring my letter & emails, he didn't have the courtesy to even call me before trespassing on my land.

1). The buyer, & BWW, were legally obligated to terminate his service on my meter on the day of closing,

last July. It was mutually self serving; the buyer avoided the costs of putting in his own meter, and BWW

got a paying customer when my service was shut off.

2). I find it difficult to believe that TQEC refused to allow 168 Edmonson Lane to be considered in BWW's

CNN from May til August, but suddenly decides on February 1 or 2 that it will be allowed. I would like

some verification from TQEC/PUC that this property in a valid BWW service area.

3). On Feb 1, I agreed to pay \$225, but to be paid ONLY to the buyer & ONLY after the buyer signed a waiver.

This he still has not done. BWW had a copy of that agreement & knew this

4). I was on the premises all afternoon on Feb 2 & saw no sign of BWW installing the meter. The buyer made

no attempt to inform me of that either.

5). That same day, I emailed both the buyer & BWW that I wasn't sure I needed to use the meter AND that I

was waiting to see if I'd get an offer on the land. Neither party ever attempted to call me, email me or

get my permission in writing, although I have called, emailed & sent certified letters to both of them.

6). Paul, BWW, is trying to charge \$225 for half the meter charge that I a) specifically stated in writing that

I would pay to the buyer & then b) one day later emailed that I wasn't going to need it.

- 7). BWW is trying to charge me \$430 in damages.
- a. I did not do it.
  - b. The handyman had started trying to replace an existing spigot line since January 14th I finally had to pay another man to finish it on January 30th.
  - c. That PVC line is over 32 years old
  - d. I was told that the repair was needed around noon on January 29th.
  - e. Apparently Paul, BWW, does not have any emergency back-up & neglected to answer his business phone until after dark that day. If Paul had taken his responsibilities more seriously, his costs would have been significantly reduced.
  - f. BWW has failed to provide any documentation that his demand reflects the actual costs of a repair.
  - g. I am not sure that the BWW easement for my property entitles him to trespass on my land to install a meter for another customer, but courtesy & good business practice would suggest that he at least call prior to doing so.
  - h. The buyer's meter looks like it's been there for quite a while. Mine however, is left uncovered & unfinished.
- 8). BWW may be entitled to damages, but like everyone else, is obliged to seek them from the person responsible. BWW is not empowered to threaten my water service because of their unethical, possibly illegal & irresponsible actions.
- 9). In addition, the water service was not even in my name at the time of the water line break, & as far as I know is not in my name at this time. I may decide differently in a few days, but I specifically stated in my 2/2 email that I do not need water service at this time.
- 10 UPDATE: BWW is continuing to try to make me pay for service I specifically did not authorize & service I emailed &/or put in writing that I denied, as well as charging me water service for the month of February, which I emailed that I would not be needing.

I have heard nothing from your office to date.

J. Hinken

att: January 17 letter (sent certified January 22)  
January 30 letter (certified)

# **EXHIBIT 4**

**BASTROP WEST WATER COMPANY**

231 Mandy Lane  
Red Rock, TX 78662  
(512) 663-1921 - Paul  
(512) 629-5717 - Karen

April 8, 2015

***Via Email and Hand Delivery***

Customer Protection Division  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
Austin, TX 78701

RE: Complaint # CP2015030451

To Whom It May Concern:

This is in response to the above referenced complaint filed by Ms. Hinken. There is a long history of issues with Ms. Hinken, another customer, Jeff Hill, and TCEQ regarding the water service at 168 Edmonson Lane. I will attempt to give you a thorough summary of what has happened since this dispute began back in May of 2014. I am attaching copies of emails, maps and other documents exchanged over the last year as evidence. There have been many phone calls exchanged as well. I did not go through my phone bills to retrieve those documented calls.

Ms. Hinken contacted me in April 2014 to advise that she was going to sell the house and three acres at 168 Edmonson Lane. She inquired what she needed to do to obtain the service. I advised that she would need to have a second water meter set. The tap fee is \$450.00. Apparently, the buyer's (Mr. Jeff Hill) realtor required the property to be subdivided by Bastrop County. As a part of the subdivision process, Bastrop County required proof of water service and contacted TCEQ. The county was told by TCEQ that Bastrop West did not hold the CCN area for that property; it was in Aqua Water Corporation's CCN area. Bastrop West has provided water service to that property since 1986. It is our position that we do hold the CCN area to provide water service to the property. Ms. Hinken, Mr. Hill, and I did extensive research within the archived files at TCEQ. We provided proof that TCEQ had made a mistake as evidenced within the string of emails, maps, and documents exchanged between May and June of 2014. However, Tracy Harbour at TCEQ determined otherwise. She advised that we must submit a CCN Amendment Application to change the water service area. This is a lengthy application and a hearing will likely be necessary. The application is in process but it has not been submitted to TCEQ. I did not advise anyone that this issue had been cleared.

It is my understanding from Mr. Hill that Ms. Hinken signed a seller's agreement stating that Bastrop West would supply the home with water service. We received a request to change the name on the account to Mr. Hill. We did not hear anything more regarding the issue until December. [I am curious, how does someone sell an established home, that currently has a meter and water lines from the meter to the home, and exclude those in the sale? Why would any potential buyer commit to purchase a home knowing that? For that matter, why would a lender approve a loan in this situation?] Ms. Hinken contacted us to advise that she would be building a home on the remaining property and requested to disconnect the service to the home. I refused as the service had been transferred to Mr. Hill. I advised them both many times that the dispute of the water meter is between her and Mr. Hill. The easiest way to solve the dispute was for one of them to pay the water tap fee of \$450.00. I spoke to Mr. Hill numerous times and advised them to come to some sort of agreement, or for each to pay half. Essentially, Mr. Hill assumes that the meter and service was his as it came with the home he purchased. Ms. Hinken believes it belongs to her. This is not a dispute to be resolved by Bastrop West. I've only made suggestions in order to calm the growing tensions between the two.

Ms. Hinken hired a contractor to remove the service from the home and re-route it to her property. I was not contacted or advised prior to this event. The contractor broke my service line, not the home owner's. There are two contact phone numbers. While I did not have my phone that day, the contractor did contact my wife, Karen, on the afternoon in question, around 1:00 or 1:30. He did not advise that this was an emergency situation. He wanted to know how to shut off the water at the meter. Karen advised him that she would contact me and that I would be there within a couple of hours to check on the problem. I arrived at the location around 4:30, within 3 - 4 hours of notification, to access the problem and discovered it was much more than we were told. I had to do an emergency one-call for line location, go home (approximately 20 miles) to load up a tractor and get the supplies needed, and return to repair the break. I did not call a contractor to make the repair. I made the repair myself. If I had called a contractor to come and make the repair, it would have been much, much more expensive. I spent approximately 7 hours beginning from arriving at the scene and assessing the damage to making the repair and flushing the lines after the repair to prevent excess dirty water from the break. The repair bill that was sent to Ms. Hinken totaled \$430.00. A copy of the invoice is attached. I am not sure what other documentation is necessary to establish the actual costs of the repair. Essentially, Ms. Hinken caused the break on my side of the service, and therefore, she is responsible for the repairs. Ms. Hinken hired the contractor and her contract is with the contractor. I did not have an agreement with her contractor. While I did not have my phone that day, a contact person was available. Three to four hours, even six hours, is not an unreasonable amount of time to respond to what was thought to be a non-emergency situation.

Bastrop West does have an easement for the water lines on the property. I have attached a copy of it. I have never trespassed on Ms. Hinken's property. I have no reason to as I have every right to handle any water issues located along the easement.

I again reiterated the necessity of an agreement between the two parties so that this dispute, essentially over \$450.00, can be over. On February 1<sup>st</sup>, I received the email advising that both had agreed to split the fee. I installed the meter on February 2nd. The meter and service is Bastrop West's, not Mr. Hill. Mr. Hill paid his half to Bastrop West and Ms. Hinken is obligated to pay her half to Bastrop West. Mr. Hill has no authority to receive payment for services provided by Bastrop West. Ms. Hinken states that Mr. Hill never signed the agreement. In all fairness, she didn't sign it either. After installation, she advised that she no longer needed the service. I did not see or read the email until after I had already installed the meter. Now she is refusing to pay her half of the meter installation. Mr. Hill has paid his half. I am willing to waive the February minimum usage fee. However, the meter charge and repair damages will stand. I have also advised Ms. Hinken that there is a balance owed on the account and any new service will not be connected until that balance is paid in full. At this time, Ms. Hinken has no service from Bastrop West.

Ms. Hinken states that I left "her" meter uncovered and unfinished. That part was left unfinished by her contractor. I left her side of the meter as I found it as I was unsure if she intended to have additional work done. I covered my side of the meter.

This dispute has essentially been caused by my attempt to save both of these customers money. If either Mr. Hill or Ms. Hinken were to go to Aqua Water for service, it would cost them thousands of dollars each. Technically, according to TCEQ, both her service and Mr. Hill's service is in Aqua Water's area. The beginning fee for a service line from Aqua Water is \$4,325.00. The small fee I charge obviously pales in comparison. TCEQ has assured me that the amendment application will be approved, unless Aqua objects. There has never been any objection by Aqua Water for Bastrop West to serve these few customers that are allegedly within Aqua's area. Therefore, I have continued to supply them water.

I have spoken with both of these customers on the phone, and through email many times over the last year in an attempt to resolve the dispute, even though it's not my dispute. I do take my responsibilities for my business very serious. I have extensive knowledge of the water business and I have a great reputation with my customers. I respond to issues as promptly as I can. I do not have any prior complaints to my knowledge. I also own another small water company. I believe that I have had one complaint on that company back and it was in the early 1990s, regarding a late fee.

Ms. Hinken did not mention what sort of remedy she is seeking by making this complaint. I previously stated that I am willing to remove the February usage and any late fee associated with that amount. I am not willing to forgo the meter fee and damages.

Customer Protection Division

April 8, 2015

Page 4

Please review the attached documentation and let me know what other information you may need. I look forward to hearing from you.

Thank you,

Paul Klaus

**TCEQ Confirmation of Water Service Provider**

Thursday, May 8, 2014 6 19 PM

**From:** "Tracy Harbour" <tracy.harbour@tceq.texas.gov>**To:** "p\_m\_klaus@yahoo.com" <p\_m\_klaus@yahoo.com>**Cc:** "Ms. Hinken" <real0est@hotmail.com>**1 Files** 69KB Download All  
**PDF** 69KBCCNNo\_1  
2050.pdf  
— — —  
Save

Mr Klaus,

I was able to locate a copy of the Certificate of Convenience and Necessity (CCN) No 12050 belonging to Clyde E Clardy dba Bastrop West Water Company (BWVWC) in our staff files. Please see the attached file (CCNNo\_12050.pdf) for this certificate and review the text highlighted in yellow. It is highly unusual that a certificate provides the lot numbers (property) included in a water CCN service area. Since the lot numbers are on the certificate, I only need to verify the lot number(s) belonging to Ms Hinken's property. At your earliest convenience, please send me the metes and bounds description and any map you have showing the exact location of Ms Hinken's property (or lot number(s)).

Since there is a dispute over the exact location of the official water CCN service areas belonging to both Clyde E Clardy dba BWVWC's CCN No 12050 and Aqua WSC's CCN No 10294, I requested TCEQ's official CCN file from Record Services. The official CCN file should include all the maps referenced in the certificate. This should provide Ms Hinken all the necessary documentation she needs to prove her water service provider is CCN No 12050. Furthermore, this will provide you all the necessary documentation you need to accurately transfer the existing CCN No 12050 into its new name.

I look forward to resolving these matters with you and Ms Hinken.

Sincerely,  
Tracy

**Tracy M. Harbour****CCN and District Mapping**

TCEQ/ Utilities and Districts Section/ Water Supply Division  
Mail Mail Code 153 P.O. Box 13087, Austin, TX 78711-3087  
Phone: (512) 239-6952, Fax: (512) 239-6972  
Email: [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Under V.T.C.A., Water Code  
and Texas Natural Resource Conservation Commission Substantive Rules

Certificate No. 12050

I. Certificate Holder:

Name: Clyde E. Clardy dba Bastrop West Water Company

Address: Route 3, Box 12  
Bastrop, Texas 78602

II. General Description and Location of Service Area:

The area covered by this certificate is located approximately 10 miles west of downtown Bastrop, Texas on State Highway 71. The service area consists of two subdivisions, the Bastrop County West Oaks Subdivision and the West Wood Subdivision, lots in the Bastrop County West Subdivision numbered 27, 28, 29, 32, 33, 35, 43, 47, 49, 55, 69 and 75, and one 5 acre tract along County Road 242 in Bastrop County in Bastrop County, Texas.

Dual certification for a portion of the service area exists with Aqua Water Supply Corporation, CCN No. 10294.

III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on maps 7047(A), 7047(B) and 7047(C) maintained in the permanent certificate file in the Commission's Central Records and on the Commission's official water service area map, WRS-11, maintained in the offices of the Texas Natural Resource Conservation Commission, 12015 Park 35 Circle, Austin, Texas with all attendant privileges and obligations.

This certificate is issued under Application No. 31428-T and subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

Issued Date: JAN 24 1997

ATTEST: Mamie M. Black

[Signature]  
For the Commission

\$  [PublicRecordsNow.com/Tr...](#)

[We Found Tracy Harbour | publicrecordsnow.com - Get Tracy Harbour/b...](#)

Sponsored

**Re: Fwd: TCEQ Confirmation of Water Service Provider**

Friday, May 9, 2014 9:43 AM

From: "Karen Klaus" <karenklaus@rocketmail.com>

To: "Paul Klaus" <p\_m\_klaus@yahoo.com> "Tracy.Harbour@tceq.texas.gov" <Tracy.Harbour@tceq.texas.gov>

**1 Files** 276KB Download All

**PDF** 276KB

BWWW  
maps.pdf

Save

Tracy,

Please review the attached maps and survey info that Paul located. Give him a call to discuss if you have any questions.

Thanks,  
Karen Klaus

R38551

VALVE

R41971

R76373

R30134

Water Line

23  
R60034

24  
R60035

25  
R60036

26  
R60037

27  
R60038

VALVE  
R60039

BRIMSON LN

208.84

VALVE

MARTHA BAKER

J Hinkle  
Property

R30883

890.34

CHURCH

361.88

475.24

R51122

104.76

340.25

340.25

340.25

341.64

460.15

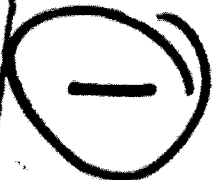
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1 FR  
R60895

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R10

425.1



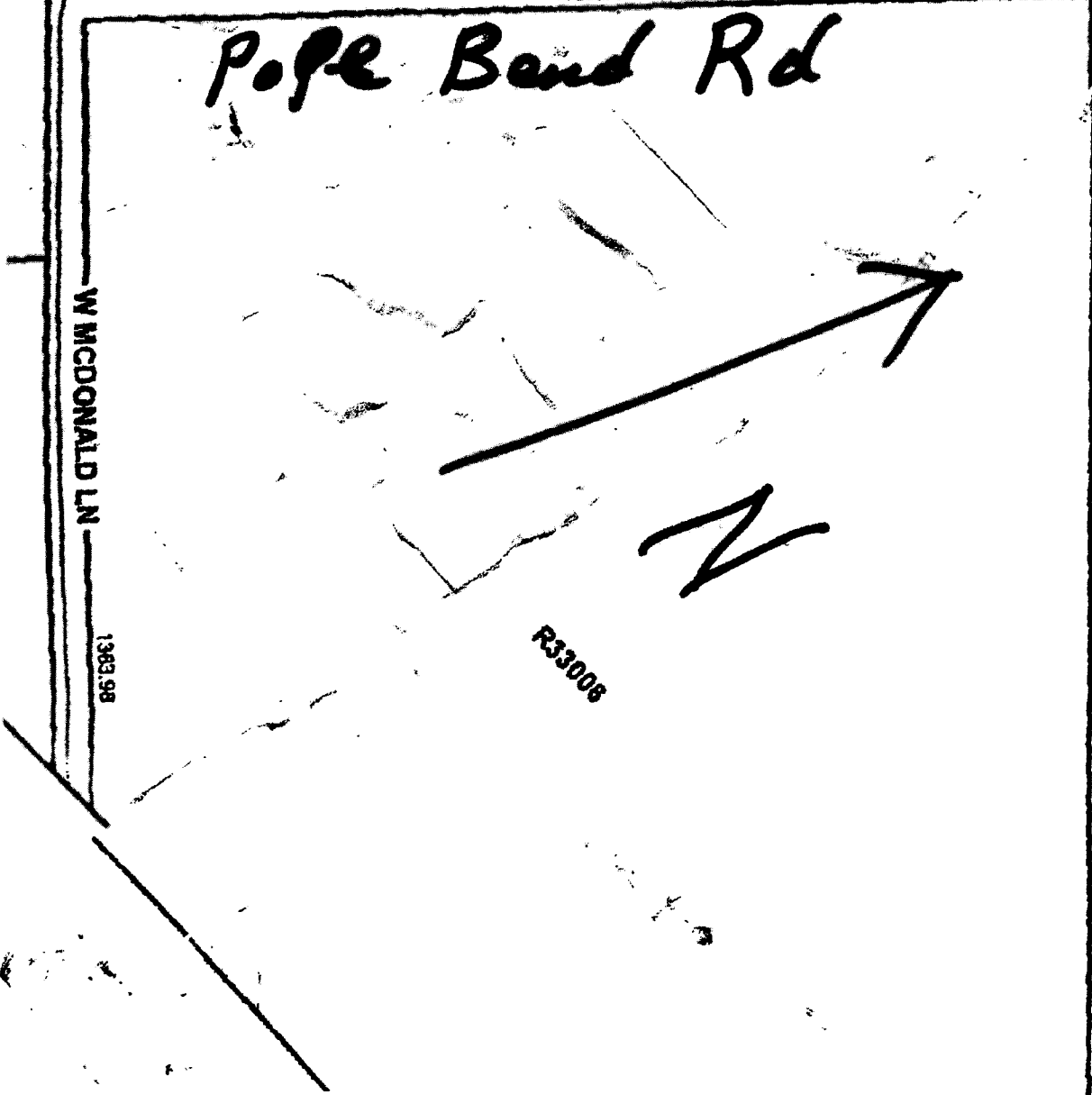
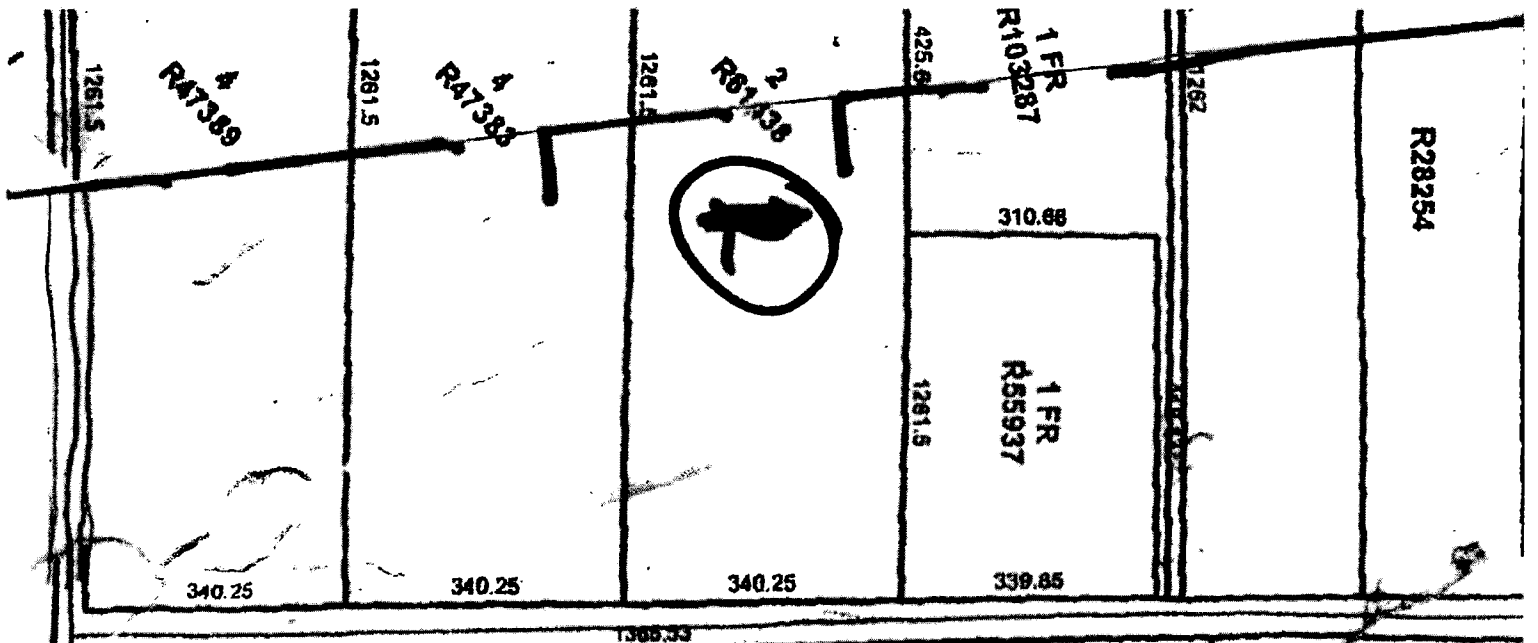
R6.2

R4739

1261.5

R47389

1261.5



3144.40



**FIELD NOTE DESCRIPTION FOR A 10.478 ACRE TRACT OF LAND:**

Being a Tract or Parcel containing 10.478 acres of land situated in Bastrop County, Texas, and being a part of the Martha Barker League, Abstract No. 7, and being out of that certain tract said to contain 114.8 acres of land described as Tract 2 in a partition between Fulton Edmondson and George Edmondson, dated January 15, 1930, and recorded in Volume 87, Page 406, Bastrop County Deed Records, and being more particularly described by metes and bounds as follows:

COMMENCING at an iron rod found in the southwest line of Lot No. 24 of the Bastrop County West Subdivision, recorded in Plat Cabinet 1, Pages 174-A, 174-B, and 175-A, Bastrop County Plat Records for the East corner of said 114.8 acre tract;

THENCE with the southeast line of said 114.8 acre tract,  $S44^{\circ}36'34''W$ , a distance of 1,258.97 feet to an iron rod set for the easterly most South corner of a 89.832 acre tract surveyed this day by the undersigned, the East corner and POINT OF BEGINNING of the herein described tract;

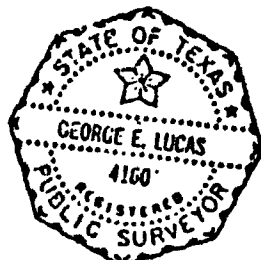
THENCE continuing with the southeast line of said 114.8 acre tract,  $S44^{\circ}36'34''W$ , a distance of 224.09 feet to an iron rod found for an angle point;

THENCE continuing with the southeast line of said 114.8 acre tract,  $S44^{\circ}43'02''W$ , a distance of 411.98 feet to an iron rod found for the East corner of a 15.600 acre tract of land as recorded in a correction deed to Cornelius Lane and wife, Olean Lane, and recorded in Volume 212, Page 220, Bastrop County Deed Records, and being the South corner of this tract;

THENCE with the northeast line of said 15.600 acre tract,  $N46^{\circ}00'43''W$ , a distance of 721.30 feet to an iron rod found for the North corner of said 15.600 acre tract, the West corner of this tract;

THENCE with the easterly most northwest line of said 114.8 acre tract,  $N45^{\circ}22'17''E$ , at a distance of 257.75 feet pass an iron rod found for an interior corner of said 114.8 acre tract, the westerly most South corner of said 89.832 acre tract, a total distance of 636.20 feet to an iron rod set for the North corner of this tract;

THENCE  $S46^{\circ}00'43''E$ , a distance of 713.61 feet to the POINT OF BEGINNING, containing 10.478 acres of land, more or less.



*George E. Lucas*  
 George E. Lucas  
 Registered Public Surveyor  
 No. 4160 State of Texas  
 January 22, 1985  
 W.O. 84-58

**FIELD NOTE DESCRIPTION FOR A 15.601 ACRE TRACT OF LAND:**

Being a Tract or Parcel containing 15.601 acres of land situated in Bastrop County, Texas, and being a part of the Martha Barker League, Abstract No. 7, and being all of that certain tract said to contain 15.600 acres of land as described in a deed to Cornelius Lane and wife, Olean Lane, dated August 11, 1971, and recorded in Volume 204, Page 824, Bastrop County Deed Records, and being the same 15.600 acre tract as described in a correction deed to Cornelius Lane and wife, Olean Lane, and recorded in Volume 212, Page 220, Bastrop County Deed Records, and being more particularly described by metes and bounds as follows:

COMMENCING at an iron rod found in the northeast line of a Gravel Road at the South corner of said 15.600 acre tract, the original South corner of that certain tract said to contain 114.8 acres of land described as Tract 2 in a partition between Fulton Edmondson and George Edmondson, dated January 15, 1930, and recorded in Volume 87, Page 406, Bastrop County Deed Records, for the South corner and POINT OF BEGINNING of the herein described tract;

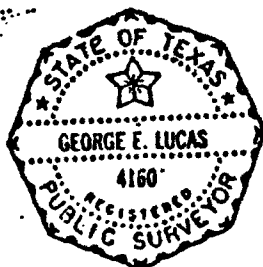
THENCE with the northeast line of said 15.600 acre tract, the southwest line of said 15.600 acre tract, N45°56'49"W, a distance of 706.84 feet to an iron rod found for the West corner of said 15.600 acre tract, the West corner of this tract;

THENCE with the northwest line of said 15.600 acre tract, N44°53'08"E, a distance of 944.60 feet to an iron rod found for the West corner of a 10.478 acre tract out of said 114.8 acre tract surveyed this day by the undersigned, the North corner of this tract;

THENCE with the northeast line of said 15.600 acre tract, the southwest line of said 10.478 acre tract, S46°00'43"E, a distance of 721.30 feet to an iron rod found in the southeast line of said 114.8 acre tract for the East corner of said 15.600 acre tract, the South corner of said 10.478 acre tract, the East corner of this tract;

THENCE with the southeast line of said 114.8 acre tract, the southeast line of said 15.600 acre tract, S44°31'24"W, a distance of 477.69 feet to an angle point;

THENCE continuing with the southeast line of said 114.8 acre tract, the southeast line of said 15.600 acre tract, S47°01'24"W, a distance of 468.27 feet to the POINT OF BEGINNING, containing 15.601 acre of land, more or less.



*George E. Lucas*  
George E. Lucas  
Registered Public Surveyor  
No. 4160 State of Texas  
January 22, 1985  
W.O. 84-58

[Whitepages.com/Tracy Har...](#)[We Found Tracy Harbour | whitepages.com - Find Tracy Harbour/bamp; ...](#)

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**RE: TCEQ Confirmation of Water Service Provider**

Thursday, May 15, 2014 5 38 PM

From: "Tracy Harbour" &lt;tracy.harbour@tceq.texas.gov&gt;

To: "Karen" &lt;karenklaus@rocketmail.com&gt; "Paul Klaus" &lt;p\_m\_klaus@yahoo.com&gt;

Cc: "real0est@hotmail.com" &lt;real0est@hotmail.com&gt;

**2 Files**   **3 MB**   Download All  
BMP   3 MB   PDF   69KBCCN No. 1  
2050.pdf

Save

Save

Mr. &amp; Mrs. Klaus,

After reviewing the certificate and CCN maps further, I determined BWWS (CCN 12050) only has dual certification with Aqua WSC's (CCN No. 10294) for some **portions** of CCN No. 12050. Please see the attached CCN map showing those portions of BWWS's water CCN, which are dually certified with Aqua WSC and those BWWS's CCN service areas with single certification. Please note the dually certificated CCN service areas between 12050 and 10294 are not close to the location of 168 Edmonson Lane address/property

Unfortunately, the viewer does not show areas of dual certification clearly. Therefore, I obtained this information using our GIS and reviewing the WRS-11 map referenced in the certificate. I can see how using the viewer, it looks like all of BWWS is dually certified with Aqua WSC. However, this is not the case.

Regarding the documents you provided, please let me know what lot number or lot numbers are associated with the J. Hinkle's property. Also, confirm whether or not Exhibit B and C of the metes and bounds are both part of the J. Hinkle property

Tomorrow I will be able to finish review the official CCN file, which should include the CCN maps [7047(A), 7047(B), and 7047 (C)] referenced in the certificate and issued to BWWS with Application No. 7047 C. Since this matter involves a property to be sold and Ms. Hinkle needs TCEQ's validation of the authorized water CCN service provider to the property, I must finish my research of the official CCN file to make my final determination.

Sincerely,  
Tracy

**Tracy M. Harbour****CCN and District Mapping**

TCEQ/ Utilities and Districts Section/ Water Supply Division

Mail: Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087

Phone: (512) 239-6952, Fax: (512) 239-6972

Email: [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought***From:** Karen [<mailto:karenklaus@rocketmail.com>]**Sent:** Thursday, May 15, 2014 12:49 PM**To:** Tracy Harbour**Cc:** [real0est@hotmail.com](mailto:real0est@hotmail.com); Paul Klaus**Subject:** Re: TCEQ Confirmation of Water Service Provider

Thank you Tracy. He now has additional info regarding the dual CCN that he would also like to discuss. I think that will resolve all issues. You may want to check into that before you waste time reviewing the paperwork. According to the dual CCN, either Bastrop West or Aqua can serve and the customer can choose which one.

Karen

Sent from my iPhone

On May 15, 2014, at 12:42 PM, Tracy Harbour <[tracy.harbour@tceq.texas.gov](mailto:tracy.harbour@tceq.texas.gov)> wrote:

Ms. Klaus,

I've been out sick a few days and just not returned to work today. So, I'm just now reviewing the information you provided me last week. I do have a few questions to clarify a few items. I will contact Paul with my questions later this afternoon.

Sincerely,  
Tracy

**Tracy M. Harbour****CCN and District Mapping**



TCEQ/ Utilities and Districts Section/ Water Supply Division  
Mail: Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087  
Phone: (512) 239-6952, Fax: (512) 239-6972  
Email: [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought.*

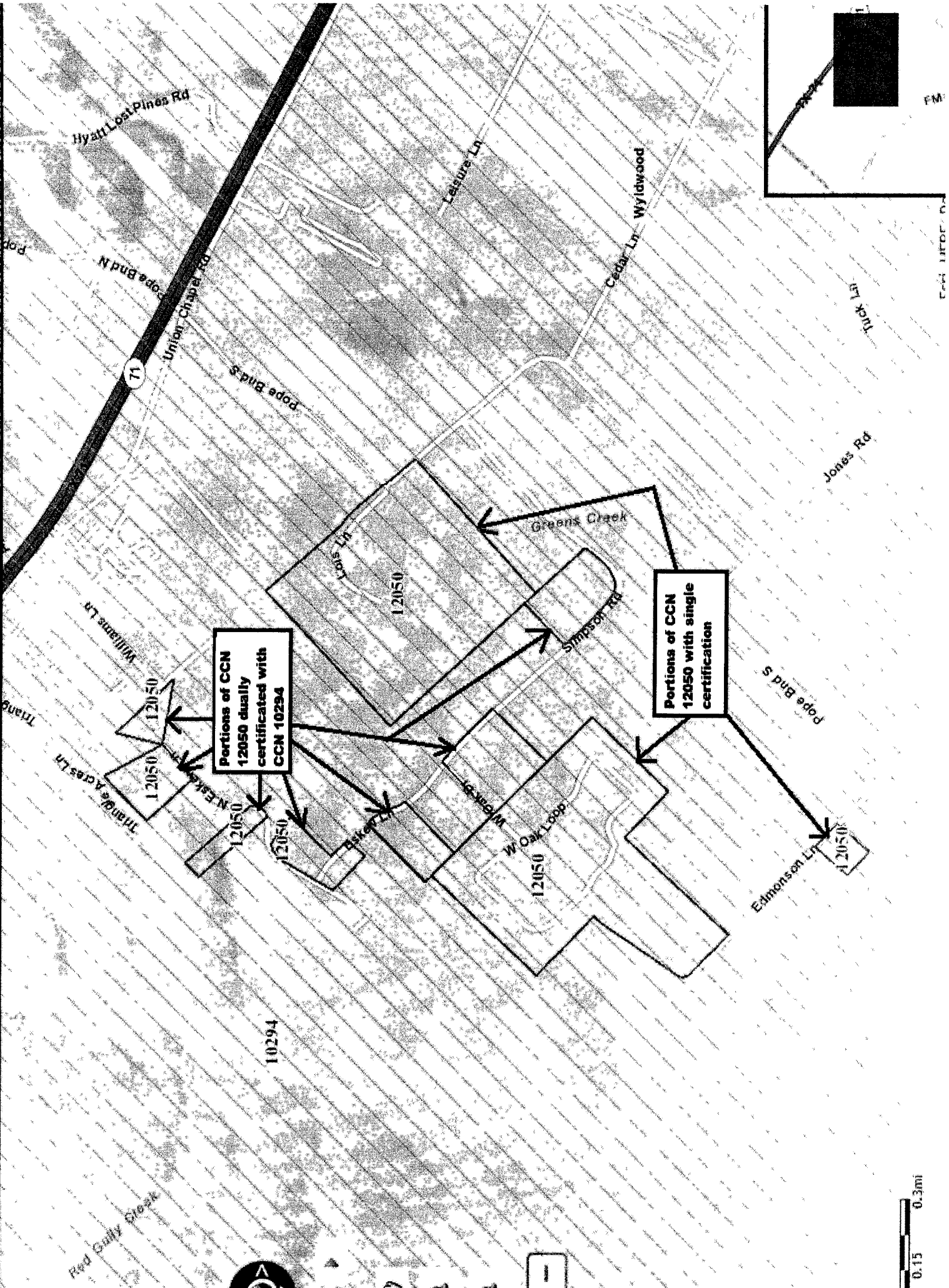
---

**From:** Karen Klaus [<mailto:karenklaus@rocketmail.com>]  
**Sent:** Friday, May 09, 2014 9:44 AM  
**To:** Paul Klaus, Tracy Harbour  
**Subject:** Re: Fwd: TCEQ Confirmation of Water Service Provider

Tracy,

Please review the attached maps and survey info that Paul located. Give him a call to discuss if you have any questions.

Thanks,  
Karen Klaus



**FW: TCEQ Confirmation of Water Service Provider**

Wednesday, May 21, 2014 1 33 PM

From: "Tracy Harbour" <tracy.harbour@tceq.texas.gov>

To: "Paul Klaus" <p\_m\_klaus@yahoo.com>

Please see the e-mail below relaying my status.

Thank you,  
Tracy

**Tracy M. Harbour**

**CCN and District Mapping**

TCEQ/ Utilities and Districts Section/ Water Supply Division  
Mail Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087  
Phone: (512) 239-6952, Fax: (512) 239-6972  
Email: [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*

From: Tracy Harbour

Sent: Wednesday, May 21, 2014 9 49 AM

To: Ms. Hinken; 'Jeff'

Cc: real0est@hotmail.com; Karen Klaus; Paul Klaus

Subject: RE: TCEQ Confirmation of Water Service Provider

Ms. Hinken,

I went through the CCN correspondence file I received from our Records Services Division. Unfortunately, it only had a rate case in it back from 2005, which definitely did not include any maps or CCN information about the case in 1986. So, I asked for a rush on the CCN Mapping file I requested again, since I keep receiving incorrect information from both Record Services and the Texas State Archives Library (TSL). This is very frustrating and I sincerely apologize for this delay. Fortunately, the TSL Coordinator called me back and assured me I would receive the CCN Mapping file from them today. I want to find you all an answer regarding the property and do understand the importance of resolving this matter.

Sincerely,  
Tracy

**Tracy M. Harbour**

**CCN and District Mapping**

TCEQ/ Utilities and Districts Section/ Water Supply Division  
Mail. Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087  
Phone: (512) 239-6952, Fax: (512) 239-6972  
Email: [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*

From: Tracy Harbour

Sent: Monday, May 19, 2014 9:03 AM

To: Karen Klaus; Paul Klaus

Cc: [real0est@hotmail.com](mailto:real0est@hotmail.com)

Subject: RE: TCEQ Confirmation of Water Service Provider

Dear All,

I apologize for not being able to get back with everyone Friday. I was out of the office very sick. I was actually in and out of the office a lot, but mostly sick last week. So, I'm behind on this and other job responsibilities. However, I will resume my research of the official CCN file I had pulled at my earliest convenience. The file should include the CCN maps 7047(A), 7047(B), and 7047(C). And yes, I may provide copies of these maps for the utility's records. Once I have reviewed them, I will get back with everyone.

Sincerely,  
Tracy

**Tracy M. Harbour**

**CCN and District Mapping**

TCEQ/ Utilities and Districts Section/ Water Supply Division  
Mail. Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087  
Phone: (512) 239-6952, Fax: (512) 239-6972  
Email: [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*

From: Karen Klaus [<mailto:karenklaus@rocketmail.com>]

**Sent:** Friday, May 16, 2014 6:09 PM  
**To:** Tracy Harbour; Paul Klaus  
**Cc:** [real0est@hotmail.com](mailto:real0est@hotmail.com)  
**Subject:** Re: TCEQ Confirmation of Water Service Provider

Tracy,

Can you please call Paul at your earliest convenience? He would really like to set up a meeting with you to discuss.

Thanks,  
Karen Klaus  
On Friday, May 16, 2014 12:37 PM, Karen Klaus <[karenklaus@rocketmail.com](mailto:karenklaus@rocketmail.com)> wrote:

Tracy,

As far as we know, there are no lot numbers associated with the Hickie property. Ms. Hickie continues to ask us the same question.

It is our understanding that the property descriptions in Exhibits B & C combine to make up the 26 acre property that she is wanting to subdivide.

We do not have a copy of the maps listed in the CCN; 7047(A), 7047(B), and 7047(C). Is it possible for you to provide us a copy for our records?

Also, if you need Paul to come to your office to review and discuss, he will be happy to do so.

Thanks,  
Karen  
On Thursday, May 15, 2014 5 38 PM, Tracy Harbour <[tracy.harbour@tceq.texas.gov](mailto:tracy.harbour@tceq.texas.gov)> wrote:

Mr & Mrs. Klaus,

After reviewing the certificate and CCN maps further, I determined BWWS (CCN 12050) only has dual certification with Aqua WSC's (CCN No. 10294) for some portions of CCN No. 12050. Please see the attached CCN map showing those portions of BWWS's water CCN, which are dually certified with Aqua WSC and those BWWS's CCN service areas with single certification. Please note the dually certificated CCN service areas between 12050 and 10294 are not close to the location of 168 Edmonson Lane address/property.

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Sincerely,  
Tracy

**Tracy M. Harbour**  
**CCN and District Mapping**  
TCEQ/ Utilities and Districts Section/ Water Supply Division  
Mail: Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087  
Phone: (512) 239-6952, Fax: (512) 239-6972  
Email: [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*

**From:** Karen [<mailto:karenklaus@rocketmail.com>]  
**Sent:** Thursday, May 15, 2014 12:49 PM  
**To:** Tracy Harbour  
**Cc:** [real0est@hotmail.com](mailto:real0est@hotmail.com), Paul Klaus  
**Subject:** Re: TCEQ Confirmation of Water Service Provider

Thank you Tracy. He now has additional info regarding the dual CCN that he would also like to discuss. I think that will resolve all issues. You may want to check into that before you waste time reviewing the paperwork. According to the dual CCN, either Bastrop West or Aqua can serve and the customer can chose which one.

Karen

Sent from my iPhone

On May 15, 2014, at 12:42 PM, Tracy Harbour <[tracy.harbour@tceq.texas.gov](mailto:tracy.harbour@tceq.texas.gov)> wrote:

Ms. Klaus,

I've been out sick a few days and just not returned to work today. So, I'm just now reviewing the information you provided me last week. I do have a few questions to clarify a few items. I will contact Paul with my questions later this afternoon.

Sincerely,  
Tracy

**Tracy M. Harbour**

**CCN and District Mapping**

TCEQ/ Utilities and Districts Section/ Water Supply Division

Mail: Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087

Phone: (512) 239-6952, Fax: (512) 239-6972

Email: [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought.*

**From:** Karen Klaus [<mailto:karenklaus@rocketmail.com>]

**Sent:** Friday, May 09, 2014 9:44 AM

**To:** Paul Klaus; Tracy Harbour

**Subject:** Re: Fwd: TCEQ Confirmation of Water Service Provider

Tracy,

Please review the attached maps and survey info that Paul located. Give him a call to discuss if you have any questions.

Thanks,  
Karen Klaus

**FW: TCEQ Confirmation of 168 Water Service Provider**

Thursday, May 29, 2014 1 40 PM

From: "TPE prop" &lt;real0est@hotmail.com&gt;

To: "p\_m\_klaus@yahoo.com" &lt;p\_m\_klaus@yahoo.com&gt;

---

The reference to Aqua not being interested in the Edmonson properties was found in the minutes of a public hearing. Unfortunately I was unable to get a copy at the time (ancient machine broke down before I was able to print). It was on the relevant microfiche reel, CCN12050, in images 26-27, (this is a large chunk of data, 2-3K pages)

The notice about possible mistakes I found on the TCEQ website, at the bottom of <http://www.tceq.state.tx.us/utilities/iwud.html>  
*"Our database is updated weekly. With millions of records in it, you might find some information that is out of date or missing. If this happens please let us know. You can call the Water Supply Division at 512-239-4691 or e-mail us at [utildist@tceq.texas.gov](mailto:utildist@tceq.texas.gov)"*  
I did put in a request to have it fixed, but (surprise!) never heard back from them. Perhaps you could also submit a request?  
Hi Paul,

I'm sending the TCEQ info separately.

**Re: TCEQ Confirmation of 168 Water Service Provider**

Thursday, May 29, 2014 10:52 AM

From: "paul klaus" &lt;p\_m\_klaus@yahoo.com&gt;

To: "karenklaus@rocketmail.com" &lt;karenklaus@rocketmail.com&gt;

Ms. Hinken,

Paul & I reviewed your email to Ms. Harbour and have some concerns. As you know, we took Bastrop West Water over from Clyde Clardy in March, 2012. We are unaware of several of the things you stated in your email, namely the following:

1. The lawsuit.
5. The CCN dated 10/12/1987

On Wednesday, May 28, 2014 6:13 PM, Tracy Harbour <tracy.harbour@tceq.texas.gov> wrote:

Ms. Hinken,

Please review the attached map (608Edmonson bmp) showing the approximate location for the address at 168 Edmonson Lane Cedar Creek, TX 78612. The blue water drop is showing the location for this address as displayed in the Water Utilities Map Viewer (iWUD Viewer). The property in question appears to be located northeast of Edmonson Lane, within the existing water CCN service area belonging to Aqua WSC with CCN No. 10294. The property in question also appears to be abutting CCN No. 12050 for BWWS. Please let me know if the approximate address appears to be located in the correct location or not. If this location is incorrect, please send me the correct location of this address and/or property in question. As I discussed with you earlier this afternoon, I do not have a way to position the property map you've provided thus far with only the metes and bounds description provided.

See the attached email with the CCN map showing where single and dual certification exists or not between BWWS and Aqua WSC in this area. Furthermore, the WRS-11 map referenced in the certificate for CCN No. 12050 shows the same water CCN service areas as designated in TCEQ's iWUD Viewer. I may provide a copy of the WRS-11 map showing the water CCN service areas in question. However, the CCN map will not be shown to scale. For the water CCN service areas belonging to either Aqua WSC or BWWS to be changed, the utility would need to submit a CCN Amendment Application to the TCEQ.

Sincerely,  
Tracy

**Tracy M. Harbour****CCN and District Mapping**

TCEQ/ Utilities and Districts Section/ Water Supply Division  
Mail Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087  
Phone (512) 239-6952. Fax (512) 239-6972  
Email [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*

From: TPE prop [mailto:real0est@hotmail.com]

Sent: Tuesday, May 27, 2014 4:19 PM

To: Tracy Harbour; Jeff; sonia.thomas@co.bastrop.tx.us; deb@stanberry.com

Subject: RE: TCEQ Confirmation of 168 Water Service Provider

Hello,

These are the facts:

1. There was a lawsuit under Judge Harold Towslee, No. 3-91-004-cv, BBW vs Aqua Water, where the Texas Dept of Health imposed a moratorium against AQUA Water from adding any more customers during the period of June 1985 through 10/86.
2. During that moratorium period, on March 12, 1986, Cornelius & Olean Lane, at 168 Edmonson Lane, signed a Service Agreement with Bastrop West Water.
3. During that moratorium period, on January 2, 1986, Cornelius

& Olean Lane, at 168 Edmonson Lane, signed and notarized two separate Easement Agreements with BWW.

4. That Easement Agreement specifically states that it "represents the ONLY LEGAL AND BINDING AGREEMENT OR CONTRACT pertaining to matters expressed herein."

5. There is a Texas Water Commission Certificate of Convenience & Necessity No 12050, dated October 12, 1987, which specifically states in several places that 168 Edmonson Lane, is part of the Bastrop West Water System.

6. Page 1, Sec II, ...and an adjacent area bordering Bastrop West Oaks subdivision to the southwest. ...The area is bounded by Edmonson to the southwest & a county road to the southeast (So Pope Bend Rd). That describes my property.

7. This "is valid until it is amended or revoked by the Commission." I have seen no documentation from any person or agency that this has been amended.

8. The Commission made the following Findings of Fact & Conclusions of Law:

#5. ...tract adjacent to Edmonson Lane.

#6. Bastrop West Water serves approximately 4 customers in the Edmonson Lane area. (It still does; those 4 meters are for 210 Edmonson, 2 for King/Santiago at 192 (& later 204) Edmonson, and 168 Edmonson is the 4th.) There are no other BWW meters on Edmonson Lane. All four are within the BWW perimeters.

#8e. Mentions the Aqua moritorium.

#9. ...and the tract adjacent to Bastrop Co. West Oaks bordering Edmonson Lane.

a. THERE IS NO OTHER UTILITY CERTIFIED FOR WATER SERVICE IN THESE AREAS (my emphasis).

c. There are approximately 4 customers in the Edmonson Lane area. (approximate because 192 & 204 were on the same lot then).

9. On May 1, 2014, I emailed a request to TCEQ requesting a resolution to the question of the water provider for 168 Edmonson. That same day, I contacted Aqua Water. To date, I have recieved absolutely no information that contradicts the Court rulings or Texas Water Commission's Conclusions of Law from either of them.

10. In addition, I have been told by numerous sources, including Aqua & TCEQ, that their interactive map is inaccurate. I believe there is even a disclaimer about its inaccuracies every time it is used.

11. I have been told that there is a document at TCEQ where Aqua Water refutes its claim to being service provider.

12. If this map, which has been inaccessible since May 1, continues to be lost or confusing, it does not seem out of line to request a TCEQ official to come to the same conclusions that everyone who has seen the documents has, similiar to the above.

Thank you for your time.



Mr & Mrs Klaus,

After reviewing the certificate and CCN maps further, I determined BWWS (CCN 12050) only has dual certification with Aqua WSC's (CCN No 10294) for some **portions** of CCN No 12050. Please see the attached CCN map showing those portions of BWWS's water CCN, which are dually certified with Aqua WSC and those BWWS's CCN service areas with single certification. Please note the dually certificated CCN service areas between 12050 and 10294 are not close to the location of 168 Edmonson Lane address/property.

Unfortunately, the viewer does not show areas of dual certification clearly. Therefore, I obtained this information using our GIS and reviewing the WRS-11 map referenced in the certificate. I can see how using the viewer, it looks like all of BWWS is dually certified with Aqua WSC. However, this is not the case.

Regarding the documents you provided, please let me know what lot number or lot numbers are associated with the J. Hinkle's property. Also, confirm whether or not Exhibit B and C of the metes and bounds are both part of the J. Hinkle property.

Tomorrow I will be able to finish review the official CCN file, which should include the CCN maps [7047(A), 7047(B) and 7047 (C)] referenced in the certificate and issued to BWWS with Application No. 7047 C. Since this matter involves a property to be sold and Ms. Hinkle needs TCEQ's validation of the authorized water CCN service provider to the property, I must finish my research of the official CCN file to make my final determination.

Sincerely,  
Tracy

**Tracy M. Harbour**

**CCN and District Mapping**

TCEQ/ Utilities and Districts Section/ Water Supply Division

Mail Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087

Phone (512) 239-6952, Fax (512) 239-6972

Email [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*

---

**From:** Karen [mailto:karenklaus@rocketmail.com]

**Sent:** Thursday, May 15, 2014 12:49 PM

**To:** Tracy Harbour

**Cc:** real0est@hotmail.com; Paul Klaus

**Subject:** Re: TCEQ Confirmation of Water Service Provider

Thank you Tracy. He now has additional info regarding the dual CCN that he would also like to discuss. I think that will resolve all issues. You may want to check into that before you waste time reviewing the paperwork. According to the dual CCN, either Bastrop West or Aqua can serve and the customer can choose which one.

Karen

Sent from my iPhone

On May 15, 2014, at 12:42 PM, Tracy Harbour <[tracy.harbour@tceq.texas.gov](mailto:tracy.harbour@tceq.texas.gov)> wrote:

Ms. Klaus,

I've been out sick a few days and just not returned to work today. So, I'm just now reviewing the information you provided me last week. I do have a few questions to clarify a few items. I will contact Paul with my questions later this afternoon.

Sincerely,  
Tracy

**Tracy M. Harbour**

**CCN and District Mapping**

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Email [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*

---

**From:** Karen Klaus [<mailto:karenklaus@rocketmail.com>]  
**Sent:** Friday, May 09, 2014 9 44 AM  
**To:** Paul Klaus; Tracy Harbour  
**Subject:** Re: Fwd: TCEQ Confirmation of Water Service Provider

Tracy,

Please review the attached maps and survey info that Paul located. Give him a call to discuss if you have any questions.

Thanks,  
Karen Klaus

**Re: TCEQ Confirmation of Water Service Provider**

Friday, May 30, 2014 6 02 PM

**From:** "paul klaus" <p\_m\_klaus@yahoo.com>**To:** "Tracy Harbour" <tracy.harbour@tceq.texas.gov>**Cc:** "real0est@hotmail.com" <real0est@hotmail.com>**1 Files** 20 MB Download All  
**PDF** 20 MBBWW\_CC  
N.pdf  
Save

Tracy,

Ms. Hinkle has done extensive research and has located documents that should supersede the maps that you cannot seem to locate. I am attaching a copy of the original CCN dated 10/12/87 and the Order dated 8/26/87 that resulted from the administrative hearings held on 11/25/86, 2/18/87, and 4/20-22/87. Ms. Hinkle outlined this information in her prior email. Please review this document and explain how Bastrop West does NOT have authority to serve water to her property. If you have an Order that was issued after 10/12/87 which states that Bastrop West does NOT have the authority to serve water to her property, please produce that. I think that this document provides sufficient evidence to conclude that the Bastrop West Water CCN includes the Hinkle property on Edminson Lane. This issue has been ongoing for much too long and has held up the sale of her property. We hope to hear from you on Monday. If you cannot make your determination based on this document, we will take this matter to a higher level.

Paul &amp; Karen Klaus

On Wednesday, May 28, 2014 11 58 AM, Tracy Harbour &lt;tracy.harbour@tceq.texas.gov&gt; wrote.

I received maps, but unfortunately they were not the ones we needed. I am working with my head cartographer to finalize our findings. So, I will be contacting you and Ms. Henken this afternoon to discuss the results.

~Tracy

**Tracy M. Harbour****CCN and District Mapping**

TCEQ/ Utilities and Districts Section/ Water Supply Division  
Mail Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087  
Phone (512) 239-6952, Fax: (512) 239-6972  
Email [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought***From:** Paul Klaus [mailto:p\_m\_klaus@yahoo.com]**Sent:** Wednesday, May 28, 2014 9:28 AM**To:** Tracy Harbour**Subject:** Re: TCEQ Confirmation of Water Service Provider

Just wondering if you revived any maps or info yet

Sent from my iPhone

On May 21, 2014, at 1:33 PM, Tracy Harbour &lt;tracy.harbour@tceq.texas.gov&gt; wrote:

Please see the e-mail below relaying my status

Thank you,  
Tracy**Tracy M. Harbour****CCN and District Mapping**

TCEQ/ Utilities and Districts Section/ Water Supply Division

Mail Mail Code 153, P.O. Box 13087, Austin TX 78711-3087  
Phone (512) 239-6952, Fax (512) 239-6972  
Email [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*

**From:** Tracy Harbour  
**Sent:** Wednesday, May 21, 2014 9:49 AM  
**To:** Ms. Hinken; 'Jeff'  
**Cc:** [real0est@hotmail.com](mailto:real0est@hotmail.com); Karen Klaus; Paul Klaus  
**Subject:** RE: TCEQ Confirmation of Water Service Provider

Ms Hinken,

I went through the CCN correspondence file I received from our Records Services Division. Unfortunately, it only had a rate case in it back from 2005, which definitely did not include any maps or CCN information about the case in 1986. So I asked for a rush on the CCN Mapping file I requested again, since I keep receiving incorrect information from both Record Services and the Texas State Archives Library (TSL). This is very frustrating and I sincerely apologize for this delay. Fortunately, the TSL Coordinator called me back and assured me I would receive the CCN Mapping file from them today. I want to find you all an answer regarding the property and do understand the importance of resolving this matter.

Sincerely,  
Tracy

**Tracy M. Harbour**  
**CCN and District Mapping**  
TCEQ/ Utilities and Districts Section/ Water Supply Division  
Mail Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087  
Phone (512) 239-6952, Fax (512) 239-6972  
Email [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*

**From:** Tracy Harbour  
**Sent:** Monday, May 19, 2014 9:03 AM  
**To:** Karen Klaus; Paul Klaus  
**Cc:** [real0est@hotmail.com](mailto:real0est@hotmail.com)  
**Subject:** RE: TCEQ Confirmation of Water Service Provider

Dear All:

I apologize for not being able to get back with everyone Friday. I was out of the office very sick. I was actually in and out of the office a lot, but mostly sick last week. So, I'm behind on this and other job responsibilities. However, I will resume my research of the official CCN file I had pulled at my earliest convenience. The file should include the CCN maps 7047(A), 7047(B), and 7047(C). And yes, I may provide copies of these maps for the utility's records. Once I have reviewed them, I will get back with everyone.

Sincerely,  
Tracy

**Tracy M. Harbour**  
**CCN and District Mapping**  
TCEQ/ Utilities and Districts Section/ Water Supply Division  
Mail Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087  
Phone (512) 239-6952 Fax (512) 239-6972  
Email [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*

**From:** Karen Klaus [<mailto:karenklaus@rocketmail.com>]  
**Sent:** Friday, May 16, 2014 6:09 PM  
**To:** Tracy Harbour; Paul Klaus  
**Cc:** [real0est@hotmail.com](mailto:real0est@hotmail.com)  
**Subject:** Re: TCEQ Confirmation of Water Service Provider

Tracy,

Can you please call Paul at your earliest convenience? He would really like to set up a meeting with you to discuss.

Thanks,  
Karen Klaus

On Friday, May 16, 2014 12:37 PM, Karen Klaus <[karenklaus@rocketmail.com](mailto:karenklaus@rocketmail.com)> wrote:

Tracy,

As far as we know, there are no lot numbers associated with the Hickie property. Ms. Hickie continues to ask us the same question.

It is our understanding that the property descriptions in Exhibits B & C combine to make up the 26 acre property that she is wanting to subdivide.

We do not have a copy of the maps listed in the CCN; 7047(A), 7047(B), and 7047(C). Is it possible for you to provide us a copy for our records?

Also, if you need Paul to come to your office to review and discuss, he will be happy to do so.

Thanks,  
Karen

On Thursday, May 15, 2014 5 38 PM, Tracy Harbour <[tracy.harbour@tceq.texas.gov](mailto:tracy.harbour@tceq.texas.gov)> wrote:

Mr. & Mrs. Klaus,

After reviewing the certificate and CCN maps further, I determined BWWS (CCN 12050) only has dual certification with Aqua WSC's (CCN No. 10294) for some portions of CCN No. 12050. Please see the attached CCN map showing those portions of BWWS's water CCN, which are dually certified with Aqua WSC and those BWWS's CCN service areas with single certification. Please note the dually certificated CCN service areas between 12050 and 10294 are not close to the location of 168 Edmonson Lane address/property.

Unfortunately, the viewer does not show areas of dual certification clearly. Therefore, I obtained this information using our GIS and reviewing the WRS-11 map referenced in the certificate. I can see how using the viewer, it looks like all of BWWS is dually certified with Aqua WSC. However, this is not the case

Regarding the documents you provided, please let me know what lot number or lot numbers are associated with the J. Hinkle's property. Also, confirm whether or not Exhibit B and C of the metes and bounds are both part of the J. Hinkle property

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Sincerely,  
Tracy

**Tracy M. Harbour**

**CCN and District Mapping**

TCEQ/ Utilities and Districts Section/ Water Supply Division

Mail Mail Code 153, P.O. Box 13087, Austin, TX 78711-3087

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Email [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought.*

---

**From:** Karen [<mailto:karenklaus@rocketmail.com>]

**Sent:** Thursday, May 15, 2014 12 49 PM

**To:** Tracy Harbour

**Cc:** [real0est@hotmail.com](mailto:real0est@hotmail.com); Paul Klaus

**Subject:** Re: TCEQ Confirmation of Water Service Provider

Thank you Tracy. He now has additional info regarding the dual CCN that he would also like to discuss. I think

that will resolve all issues. You may want to check into that before you waste time reviewing the paperwork. According to the dual CCN, either Bastrop West or Aqua can serve and the customer can chose which one.

Karen

Sent from my iPhone

On May 15, 2014, at 12:42 PM, Tracy Harbour <[tracy.harbour@tceq.texas.gov](mailto:tracy.harbour@tceq.texas.gov)> wrote:

Ms. Klaus,

I've been out sick a few days and just not returned to work today. So, I'm just now reviewing the information you provided me last week. I do have a few questions to clarify a few items. I will contact Paul with my questions later this afternoon

Sincerely,  
Tracy

**Tracy M. Harbour**  
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Email: [Tracy.Harbour@tceq.texas.gov](mailto:Tracy.Harbour@tceq.texas.gov)

*Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought*

---

**From:** Karen Klaus [<mailto:karenklaus@rocketmail.com>]  
**Sent:** Friday, May 09, 2014 9:44 AM  
**To:** Paul Klaus; Tracy Harbour  
**Subject:** Re: Fwd: TCEQ Confirmation of Water Service Provider

Tracy,

Please review the attached maps and survey info that Paul located. Give him a call to discuss if you have any questions.

Thanks,  
Karen Klaus

TEXAS WATER COMMISSION



CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Under Chapter 13, Texas Water Code  
and the Rules of the Texas Water Commission

Certificate Number 12050

I. Certificate Holder:

Name: Mr. Clyde E. Clardy d/b/a Bastrop West Water  
Systems

Address: Route 3, Box 12

Bastrop, Texas 78602

II. General Description and Location of Service Area:

Mr. Clyde E. Clardy d/b/a Bastrop West Water Systems serves Bastrop County West Oaks Subdivision and an adjacent area bordering Bastrop County West Oaks Subdivision to the southwest. Additionally, Mr. Clardy is certificated to lots numbered 27, 28, 29, 32, 33, 35, 43, 47, 49, 55, 68, 69 and 75 in Bastrop County West Subdivision.

The certificated area is located approximately ten miles west of the City of Bastrop and one mile south of State Highway 71. The area is bounded by Edmonson Lane on the southwest and by a county road on the southeast in Bastrop County, Texas.

III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on map numbers 7047(A), 7047(B), 7047(C) and on the Commission's official service area map, WRS-11, maintained in the offices of the Texas Water Commission, 1700 North Congress, Austin, Texas with all attendant privileges and obligations.

This certificate is issued subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

ISSUED this 12th day of October, 1987.

ATTEST:

*Karen A. Phillips*  
Karen A. Phillips  
For the Commission

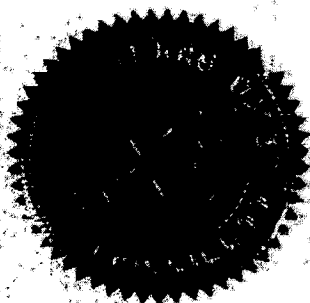
STATE OF TEXAS

COUNTY OF TRAVIS

I  
X  
I

As official custodian of the files and records of the Texas Water Commission, I hereby certify that the enclosed documents are true, accurate and complete copies or originals of the proceedings of the Texas Water Commission relating to the Application of Bastrop West Water Systems for Certificate of Convenience and Necessity No. 12050 (Docket No. 7047-C), as this record is reflected in the official files in the offices of the Commission.

Witness my hand and the seal of the Texas Water Commission, this the 25th day of February, 1988.



*Karen A. Phillips*

Karen A. Phillips, Chief Clerk  
Texas Water Commission



STATE OF TEXAS

COUNTY OF TRAVIS

I  
I  
I

I, Mary Ann Hefner, Chief Clerk of the Texas Water Commission, do hereby certify that the attached and foregoing is a true and correct copy of an Order of the Commission dated August 26, 1987, issuing Certificate of Convenience and Necessity No. 12050 to Bastrop West Water Systems, the original of which is on file in the office of the Commission.

Given under my hand and the seal of the Texas Water Commission, this the 28th day of August, 1987.

  
Mary Ann Hefner, Chief Clerk  
Texas Water Commission

TEXAS WATER COMMISSION



AN ORDER issuing Certificate of Convenience  
and Necessity No. 12050 to Bastrop  
West Water Systems

On August 25, 1987, the Texas Water Commission (Commission) considered the application of Bastrop West Water Systems for Certificate of Convenience and Necessity No. 12050 under TEX. WATER CODE ANN. §13.241 et seq. (Vernon Supp. 1987), and the Rules of the Texas Water Commission. The application was presented to the Commission with a Proposal for Decision by Marcella Sellers, Attorney, a Commission Hearings Examiner, who conducted an adjudicative public hearing concerning the application on November 25, 1986; February 18, 1987; and on April 20, 21, and 22, 1987.

The Hearings Examiner designated the following as parties to the proceeding: the applicant, Bastrop West Water Systems; the Executive Director and the Public Interest Advocate of the Commission; and Aqua Water Supply Corporation.

After considering the Hearings Examiner's Proposal for Decision, exceptions thereto, and the evidence and arguments presented, the Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Bastrop West Water Systems has applied to the Commission for Certificate of Convenience and Necessity No. 12050 to